

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CASE NO. 5:22-CV-019-KDB-DCK**

KENNETH SCOTT,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
ABOVE AND BEYOND RETAIL SERVICES, INC., and ROBERT C. ABSHER,)	
)	
Defendants.)	
)	

THIS MATTER IS BEFORE THE COURT on the parties’ “Joint Motion To Extend Stay Of The Case” (Document No. 21) filed July 1, 2022. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will grant the motion, with modification. Further extensions will not be allowed.

The undersigned notes that Plaintiff initiated this action with the filing of a “Collective And Class Action Complaint...” (Document No. 1) on February 22, 2022. On March 25, 2022, Defendants filed a consent motion to extend time to respond to the Complaint, at least in part to “allow time for the Parties to confer regarding potential resolution of this matter.” (Document No. 6, p. 2). Since then, the Court has allowed two more extensions of time for the parties to pursue settlement discussions. See (Document Nos. 8, 9, 19, and 20). The parties now seek another extension delaying this action at least another month.

While the Court commends the parties’ efforts to resolve this case, there has been more than enough time to complete the Honorable Kenneth D. Bell’s requirement of an Initial Settlement Conference pursuant to the “Standing Order Requiring An Initial Settlement Conference In Civil

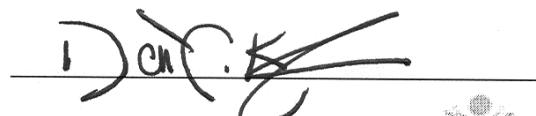
Cases...,” docketed in this case on February 22, 2022. The undersigned will allow counsel one final brief extension as set forth below. Of course, if the parties cannot finalize a settlement by this deadline, they may continue their discussions, but must also promptly move forward with this litigation.

IT IS, THEREFORE, ORDERED that the parties’ “Joint Motion To Extend Stay Of The Case” (Document No. 21) is **GRANTED with modification**. The parties shall file a Certificate Of Settlement Conference pursuant to Judge Bell’s “Standing Order...,” on or before **July 22, 2022**.

IT IS FURTHER ORDERED that Defendants shall file an Answer, or otherwise respond to Plaintiff’s Complaint on or before **August 1, 2022**.

SO ORDERED.

Signed: July 1, 2022



David C. Keesler
United States Magistrate Judge
